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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION: HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

Written statement submitted by Friends World Committee for Consultation (Quakers), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[24 March 1997]

Human rights and mass exoduses

1. Most refugees and internally displaced persons (IDPs) are forced to flee because of human rights violations. These violations are the primary cause of mass exoduses of people, both those remaining within their country and those crossing an international border. Durable solutions to these problems are therefore dependent on renewed respect for human rights and the prevention of future violations.

2. At its fifty-second session in 1996, the Commission on Human Rights adopted, without a vote, resolution 1996/51 entitled "Human rights and mass exoduses" 1/, in which the Commission recognized that human rights violations cause "mass exoduses of populations". The Commission has consistently welcomed the endorsement of the United Nations General Assembly (in resolution 41/70 of 3 December 1986) of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, religion or language. In 1996, the Commission also urged States to refrain from denying them because of gender.

3. The Office of the United Nations High Commissioner for Refugees (UNHCR) has an obvious interest in the discussion of human rights and mass exoduses. UNHCR is charged with the task of supervising the Convention relating to the Status of Refugees. 2/ The Refugee Convention, inter alia, provides protection to those who fear persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion. UNHCR has been mandated by the United Nations to provide international protection to refugees and to seek permanent solutions to the problem of refugees. 3/ The General Assembly has also authorized UNHCR to provide protection and assistance to internally displaced persons (IDPs), 4/ especially where they live alongside refugees and returnees under the care of UNHCR.

4. Recognizing their complementarity, there has been a convergence of work between the United Nations High Commissioner for Human Rights and UNHCR. UNHCR has increasingly contributed to the deliberations of international human rights bodies and mechanisms, including the Commission. Further, resolution 1996/51 specifically requests the two offices to work together on information gathering and follow-up action in situations of mass exoduses.

5. Gathering information on human rights situations creating or affecting refugees and IDPs is done by a variety of agencies and mechanisms (including special rapporteurs, special representatives, human rights treaty bodies etc.). The importance of such information is determined largely by the effectiveness of the process for sharing and acting on such information. The High Commissioner for Human Rights, together with UNHCR and agencies like the Department of Humanitarian Affairs of the United Nations, must continue to strengthen these processes, in particular those with elements of early warning and prevention.

6. The report on human rights and mass exoduses (E/CN.4/1997/42) prepared by the High Commissioner for Human Rights pursuant to resolution 1996/51 is a good example of information gathering. However, it is limited by the fact that it is too broad in its scope. Two issues which it does cover, and which could be the focus of future reports on mass exoduses, are:

> Information on recent policy initiatives related to refugees and IDPs (provided this year by the Governments of Cyprus, Lebanon, Mexico, the Russian Federation and Ukraine, as well as some of the special rapporteurs and representatives);
>
> Information on current or proposed human rights field activities of the High Commissioner for Human Rights in the context of refugees and IDPs (including in Rwanda, Burundi, the former Yugoslavia, Cambodia, Malawi, Zaire, Abkhazia/Georgia and Colombia).

7. With respect to follow-up action, the Commission, in resolution 1996/51, welcomed the cooperation between UNHCR, the High Commissioner for Human Rights and other relevant United Nations entities "in the areas of returnee monitoring and promotion, institution-building and rehabilitation projects". The Commission particularly welcomed the involvement of UNHCR in "the monitoring of returnees".

8. To effectively pursue durable solutions to the problem of refugees and IDPs, the relationship between the High Commissioner for Human Rights and UNHCR must continue to be enhanced, in particular with respect to the following:

UNHCR should continue actively to contribute to the deliberations of international human rights bodies and mechanisms;

UNHCR and the High Commissioner for Human Rights should collaborate more closely on the report on mass exoduses and should consider issuing a joint report with a clear focus or theme;

UNHCR should be requested to submit information provided by States in compliance with article 35 of the Convention relating to the Status of Refugees (i.e. information about implementation of the Convention and about other refugee legislation) for inclusion in the report on mass exoduses;

UNHCR and the High Commissioner for Human Rights should cooperate more systematically through field offices and operations which can provide an impartial presence for monitoring human rights, and offer technical advice and expertise (i.e. human rights education programmes).

9. Friends World Committee for Consultation (Quakers) urges the Commission on Human Rights to:

(a) Recognize that human rights violations must be curtailed in order to reduce the scale and magnitude of the flow of refugees and internally displaced persons;

(b) Request the High Commissioner for Human Rights to continue working with other United Nations agencies to develop an effective process for sharing and acting on information of human rights situations creating or affecting refugees and IDPs;

(c) Request that the report of the High Commissioner for Human Rights on human rights and mass exoduses be prepared in consultation and collaboration with UNHCR;

(d) Recommend that the report focus on a limited number of key issues, including national policy initiatives relating to refugees and IDPs, and current or proposed field activities of the High Commissioner for Human Rights in the context of refugees and IDPs;

(e) Welcome the continued involvement of UNHCR in human rights deliberations and invite UNHCR to participate in the preparation of the report on human rights and mass exoduses, and to submit information provided by States in compliance with article 35 of the Convention relating to the Status of Refugees for inclusion in the report;

(f) Urge the High Commissioner for Human Rights and UNHCR to enhance their cooperation in the areas of human rights monitoring and promotion, technical advice, institution-building and rehabilitation projects.

Notes

1/ Introduced by Canada, co-sponsored by Andorra, Australia, the Czech Republic, Croatia, Cyprus, El Salvador, Finland, France, Germany, Hungary, Liechtenstein, Luxembourg, Madagascar, Nepal, the Netherlands, New Zealand, Norway, Poland, Sweden, Switzerland and Uruguay.

2/ Adopted at Geneva, July 1951.

3/ Statute of the Office of the United Nations High Commissioner for Refugees, chapter 1.

4/ In its resolution 47/105 of 16 December 1992, the General Assembly welcomed "efforts by the High Commissioner, on the basis of specific requests from the Secretary-General or the competent principal organs of the United Nations and with the consent of the concerned State, to undertake activities in favour of internally displaced persons, taking into account the complementarities of the mandates and expertise of other relevant organizations".